IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE NE/Corner York & Westbury Roads * ZONING COMMISSIONER (1412 York Road) 3rd Election District * OF BALTIMORE COUNTY 4th Councilmanic District * Case No. 89-141-X Frank Rehak Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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The Petitioner herein requests a special exception for a service garage in accordance with Petitioner's Exhibit 1.

The Petitioner, by John B. Gontrum, Esquire and Robert J. Romadka, Esquire, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 1412 York Road, is zoned B.L.-C.N.S. and is currently improved with a Gulf/Chevron service station. A special exception for a gasoline service station at the subject location was granted in Case No. 3927RX on November 28, 1956. Petitioner proposes discontinuing the use of the subject property as a gasoline service station and converting same to a service garage in accordance with that depicted in Petitioner's Exhibit 1. Testimony indicated that no new construction will be required for the conversion and all gas pumps and tanks will be removed to eliminate the sale of gasoline. The existing kerosene pump and underground tank will remain. Testimony indicated that all other requirements as set forth in the comments submitted by the State Highway Administration and the Baltimore County Department of Environmental Protection and Resource Management will be met.

It is clear that the B.C.Z.R. permits the use proposed in a B.L.-C.N.S. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. There-

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a service garage (Sec. 230.13)

		1200
Property is to be posted and advertised as pre	escribed by Zoning Regulations.	1000 B
I, or we, agree to pay expenses of above Speciof this petition, and further agree to and are to be of Baltimore County adopted pursuant to the Zoni	e bound by the zoning regulations and	upor string restrictions P.C. 39
• .	I/We do solemnly declare under the penalties of perjury are the legal owner(s) of th which is the subject of this Pe	, that I/we e property
Contract Purchaser:	Legal Owner(s):	
(Type or Print Name)	Frank Rehak (Type or Print Name)	
Signature	Signature	
Address	(Type or Print Name)	
City and State	Signature	
Attorney for Petitioner: John B. Gontrum &	1412 York Road - 321-914	n
Jean K. Tullius & Romadka, Gontrum & (Type or Print Nama) Hennegan		one No.
Och July	Lutherville, Maryland 2	1093
// Signature	City and State	

809 Eastern Boulevard Essex, Maryland 21221 Attorney's Telephone No.: _686-8274_____ ORDERED By The Zoning Commissioner of Baltimore County, this _____ day duesat, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

J. Robert House
Zoning Commissioner of Baltimore County.

fore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restric-

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 4th day of November, 1958 that the Petition for Special exception to permit a service garage in accordance with Petitioner's Exhib-

Paul Lee Engineering Inc.

304 W. Ponnsylvania Ave. Towson, Maryland 21204

301-821-5941

DESCRIPTION

#1410-1412 YORK ROAD 3RD ELECTION DISTRICT - BALTIMORE COUNTY, MARYLAND

located on the west side of York Road N 21°39'00" W 40

feet + from the center of Westbury Road, thence binding

feet, thence leaving said west side of York Road (2)

of 15.00 feet, L=23.56, chord bearing N 30°45'00" E

21.21 feet to the point of beginning.

or less.

S 68°21'00" W 180.00 feet, and (3) S 21°39'00" E 120.00 feet to the north side of Westbury Road, thence binding along the north side of Westbury Road (4) N 68°21'00"

along the west side of York Road (1) N 21°39'00" W 105.00

E 165.00 feet and (5) by a curve to the left with a radius

Containing 0.49 acre (21,326.7 s.f.) of land, more

Paul Los P.E.

it 1, be and is hereby GRANTED, subject, however, to the following restric-

tions which are conditions precedent to the relief granted herein:

1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

Petitioner shall comply with all requirements as set forth in the Zoning Plans Advisory Committee comments which have been adopted in their entirety and made a part of this Order.

> Zoning Commissioner for for Baltimore County

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 89-141-4

Location of property: NW/Cor York & West busy Rdc

CERTIFICATE OF PUBLICATION

TOWSON, MD., September 26, 1988 THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of _____ successive weeks, the first publication appearing on Sept. 22. 1988

Po#05075

CERTIFICATE OF PUBLICATION

TOWSON, MD., October 6. , 1988 THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each ing on Septenher 280 88

Baitimore County Zoning Commissione Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines

November 4, 1988

John B. Gontrum, Esquire Robert J. Romadka, Equire 809 Eastern Boulevard Baltimore, Maryland 21221

RE: PETITION FOR SPECIAL EXCEPTION NE/Corner York and Westbury Roads (1412 York Road) 3rd Election District - 4th Councilmanic District Frank Rehak - Petitioner Case No. 89-141-X

Dear Messrs. Gontrum and Romadka:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours, 1. Robert Haines Zoning Commissioner for Baltimore County

cc: People's Counsel

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines Zoning Commissioner

Date: 10/7/88

Mr. Frank Rehak 1412 York Road Lutherville, Maryland 21093

Petition for Special Exception CASE NUMBER: 89-141-X NE Corner York Road and Westbury Road (1412 York Road)

3rd Election District - 4th Councilmanic Petitioner(s): Frank Rehak HEARING SCHEDULED: WEDNESDAY, OCTOBER 19, 1988 at 2:00 p.m.

Please be advised that 94.07 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do <u>not</u> remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Office, County Office it alone piate and 15) minutes before BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT and post set(s), there

Z.C.O.—No. 1

Beginning for the same at a point, said point being

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapesic Avenue in Towson, Maryland as fol-Petition for Special Exception Special Exception: A Service Garage (Sec. 230.13). In the event that this Petition is

granted, a building permit may be issued within the thirty (37) day appeal period. The Zoning Com-missioner will, however, entertain any request for a stay of the in-suance of said permit during this

period or good cause shown.
Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing. J. ROBERT HAINES Zoning Commissioner of Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zorung Commissioner

NOTICE OF HEARING

Dennia F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Exception

CASE NUMBER: 89-141-X

NE Corner York Road and Westbury Road

(1412 York Road)

3rd Election District - 4th Councilmanic

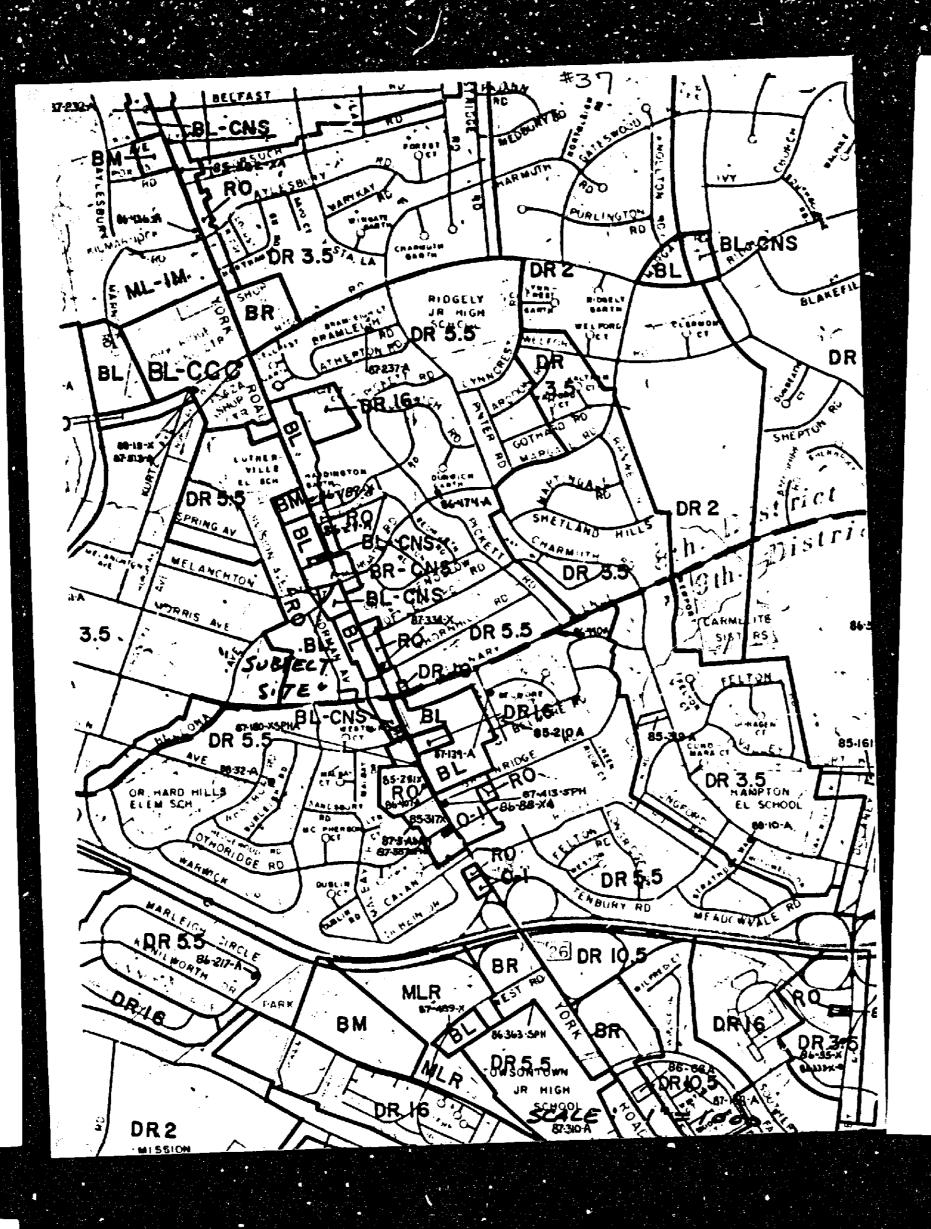
Petitioner(s): Frank Rehak

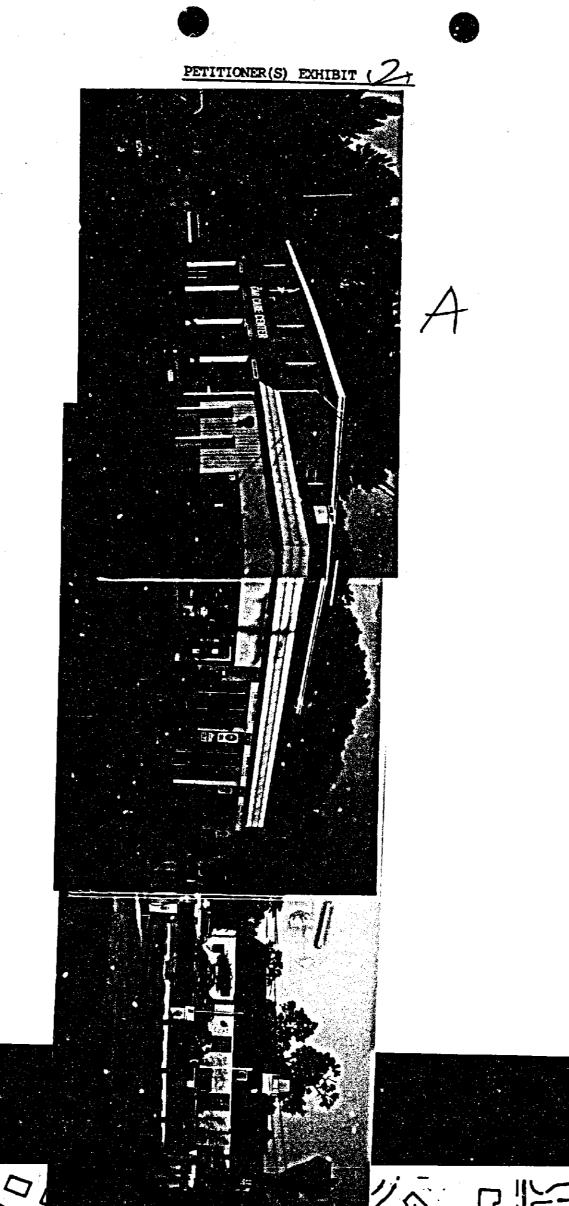
HEARING SCHEDULED: WEDNESDAY, OCTOBER 19, 1988 at 2:00 p.m.

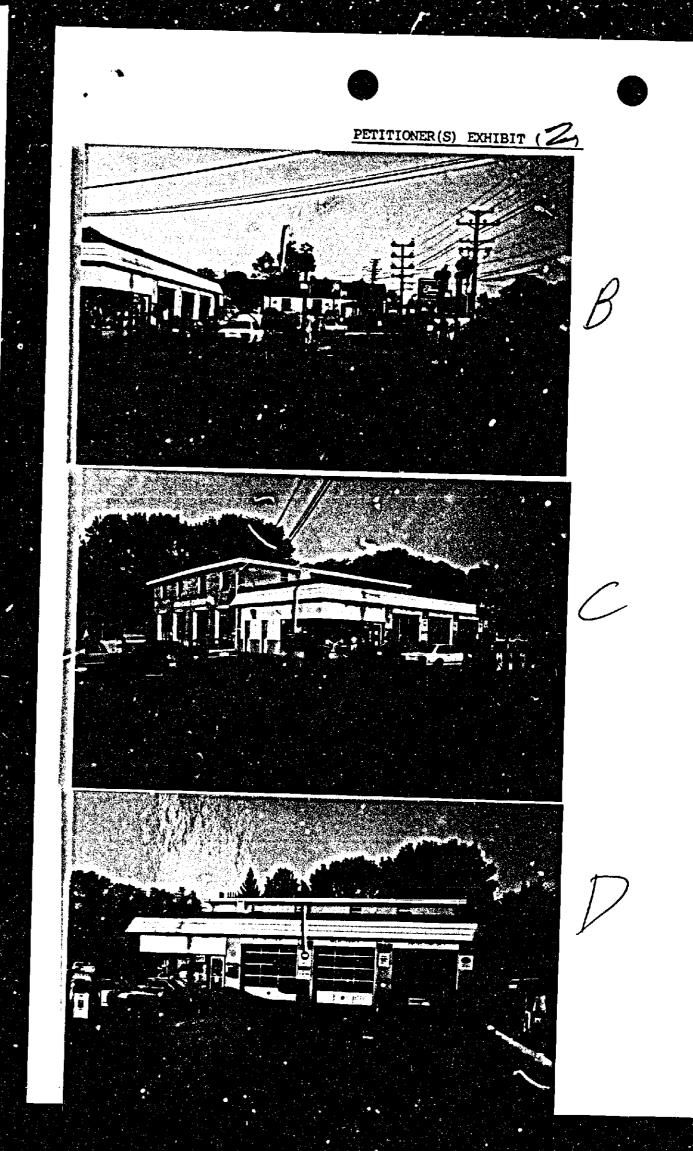
Special Exception: A Service Garage (Sec. 230.13).

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

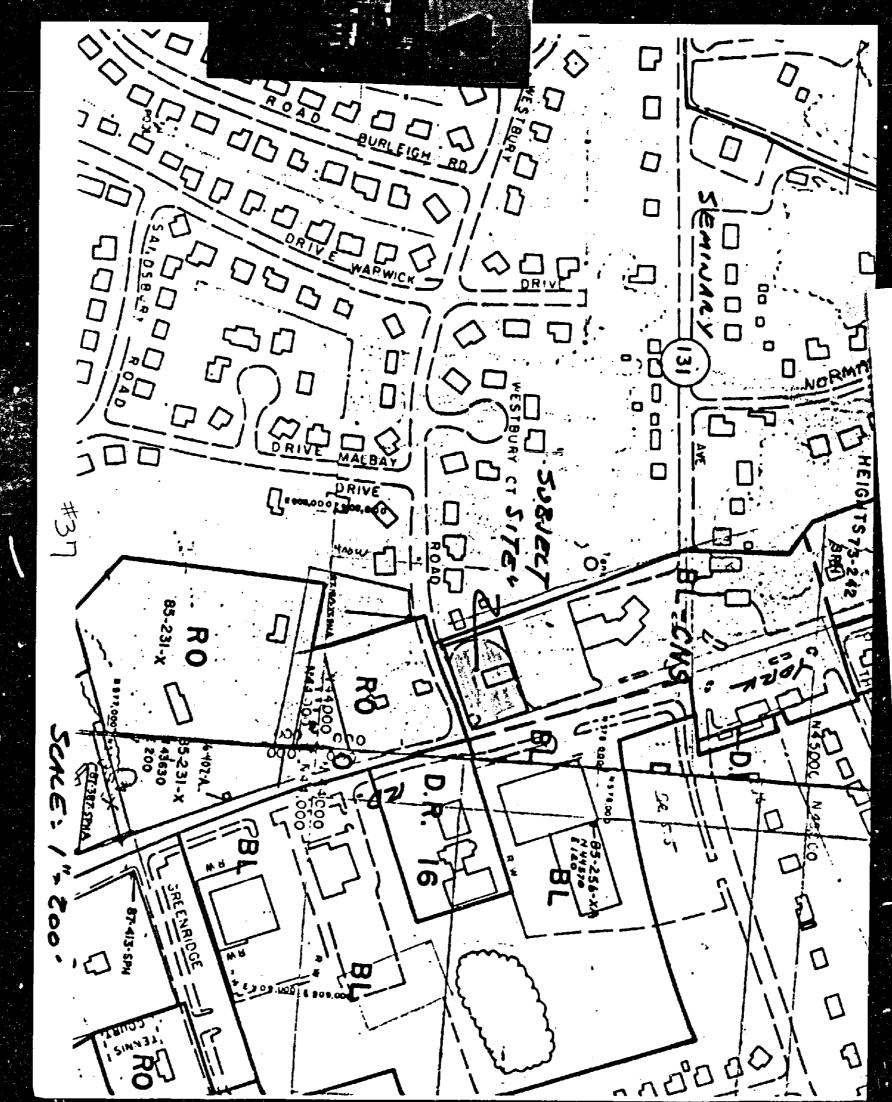
J. ROBERT HAINES Zoning Commissioner of Baltimore County

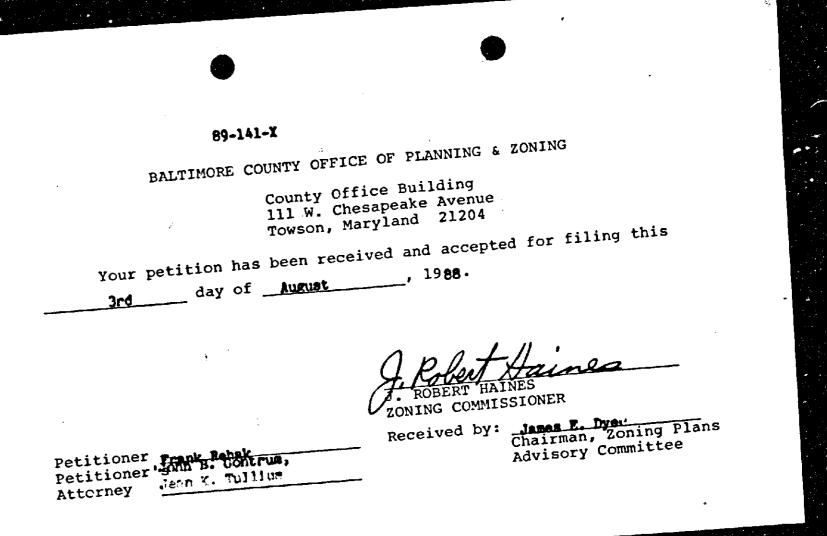












Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500

Paul H. Reincke

August 18, 1988

J. Robert Haines Zoning Commissioner Office of Flanning and Zoning Baltimore County Office Building Towson, MD 21204



Re: Property Owner: Frank Rehak

Location: NE corner of York and Westbury Roads

Zoning Agenda: Meeting of 8/2/88 Item No.: 37

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

 1. Fire hydrants for the referenced property are required and shall be located at intervals or ____ feet along an approved road in accor-dance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Pro-tection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

/jl

Baltimore County
Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 494-3554 August 24, 1988 Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, MD 21204 Dear Mr. Haines: The Bureau of Traffic Engineering has no comments for items number 480, 5, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 23, 25, 26, 28, 29, 30, 31, 32, 33, 36, 37, 38, 39 and 40. Staphen E. Weber, P.E. Assistant Traffic Engineer SEW/RF/lab



COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 21204

MEMBERS Bureau of Engineering Department of Traffic Engineering State Roads Commissio Bureau of Fire Prevention Health Department

Project Planning

Industrial Development

Bui ding Department

Board of Education Zoning Administration

John B. Gontrum, Esquire Jean K. Tullius, Esquire Romadka, Gontrum & Hennegan 809 Eastern Boulevard Essex, Maryland 21221

RE: Item No. 37 - Case No. 89-141-X Petitioner: Frank Rehak Petition for Special Exception

Dear Mr. Gontrum and Ms. Tullius:

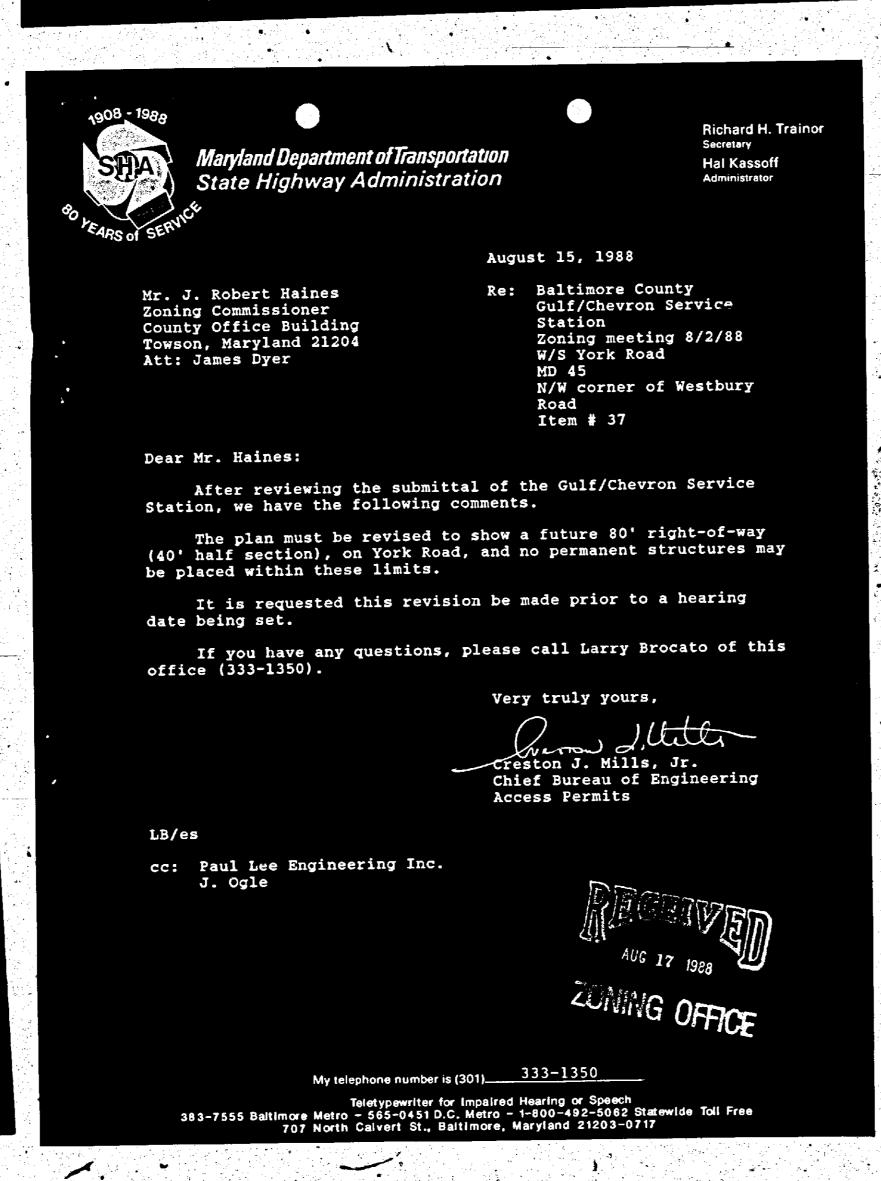
The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning that may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received. I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly. Very truly yours,

JAMES E. DYER

Chairman Zoning Plans Advisory Committee

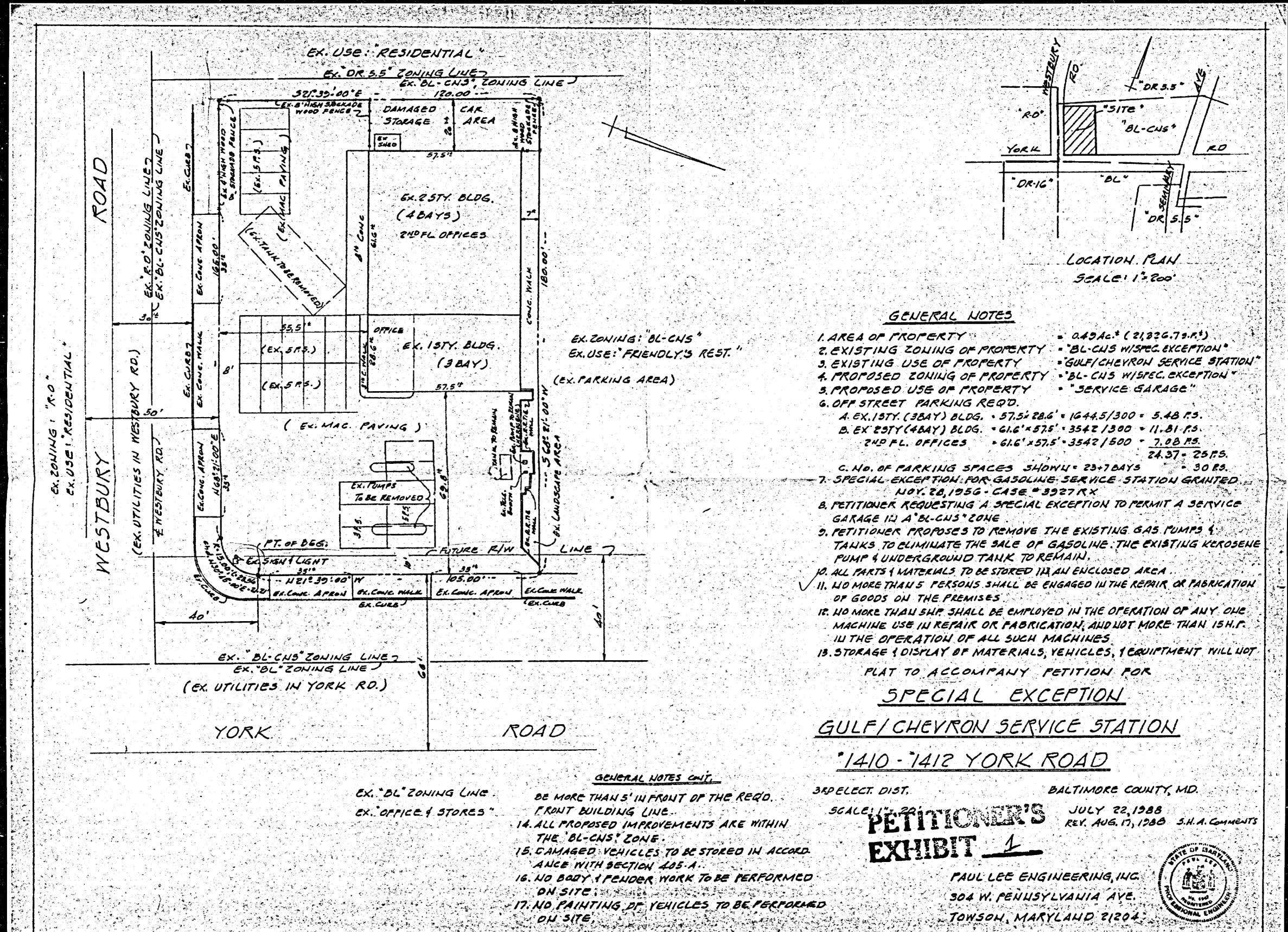
JED:dt cc: Paul Lee Engineering, Inc. 304 West Pennsylvania Avenue Towson, Maryland 21204



BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROJECTION AND RESOURCE MANAGEMENT Zoning Commissioner Office of Planning and Zoning -County Office Building Towson, Maryland 21204 Zoning Item # 37, Zoning Advisory Committee Meeting of August 9,1988 Property Owner: Frank Rehak Location: NE corner of York and Westbury Rds District Sewage Disposal Water Supply ___ COMMENTS ARE AS FOLLOWS: Prior to approval of a Building Permit for construction, renovation and/or installation of equipmentfor any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review) Prior to new installation/s of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 494-3775, to obtain requirements for such installation/s before work begins.) A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.) A permit to construct from the Bureau of Air Quality Management is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.) Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department. of Health and Hental Hygiene for review and approval.) Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Regional Community Services, 494-3811. Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health. If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.) Prior to razing of existing structure/s, petitioner must contact the Division of Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes.

Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 494-3775. Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 494-3768. Soil percolation tests, have been ____, must be ____, conducted. () The results are valid until
() Soil . percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.) Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.) In accordance with Section 13-117 of the Baltimore County Code, the water well yield test) shall be valid until

) is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.) Prior to occupancy approval, the potability of the water supply must be verified by collection) If submission of plans to the County Review Group is required, a Hydrogeological Study and an BUREAU OF WATER QUALITY AND RESOURCE MANAGEMENT



88-037